

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, May 21, 2018
Council Chambers, Crested Butte Town Hall

Mayor Schmidt called the meeting to order at 7:05PM.

Council Members Present: Will Dujardin, Kent Cowherd, Chris Haver, Laura Mitchell, and Paul Merck

Staff Present: Town Manager Dara MacDonald, Town Attorney John Sullivan, and Town Clerk Lynelle Stanford

Community Development Director Michael Yerman, Finance Director Rob Zillioux, Parks and Recreation Director Janna Hansen, and Public Works Director Rodney Due (for part of the meeting)

Schmidt reviewed information on the community survey discussed during the Work Session.

APPROVAL OF AGENDA

Stanford asked that #2 be removed from the Consent Agenda and #5 from Consent Agenda be moved to New Business. Haver moved #4 from the Consent Agenda to New Business.

Mitchell moved and Merck seconded a motion to approve the agenda with the changes of removing Bridges of the Butte and moving items #4 and #5 to New Business. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

CONSENT AGENDA

- 1) May 7, 2018 Regular Town Council Meeting Minutes.**
- 2) Bridges of the Butte 24-Hour Townie Tour Special Event Application for June 23-24, 2018.**
- 3) Crested Butte Arts Festival Special Event Application and Special Event Liquor Permit for August 3-5, 2018.**
- 4) The ARTumn Festival Special Event Application for September 15-16, 2018.**
- 5) Award Public Works Perimeter Fencing Project.**

Merck moved and Mitchell seconded a motion to approve the Consent Agenda. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**PROCLAMATION DELCARING THE FIRST FRIDAY IN JUNE TO BE
NATIONAL GUN VIOLENCE AWARENESS DAY**

Schmidt read and signed the proclamation.

PUBLIC COMMENT

John Murphy - Riverland Industrial Park

- Had an unfortunate experience with the Town on the wayfinding sign project. He was notified he won, and then he received a call they went with the lowest bid, rather than his.
- He described the three designs requested and how he submitted his proposal.
- He was told the reason he didn't get the job was because his was 5% more than the lowest bid.
- He was excited to leave his mark on Town. It was a shame the project was outsourced out of Town without the proper knowledge and research.
- MacDonald explained how the miscommunication occurred.

STAFF UPDATES

Schmidt referred to the report from MacDonald included in the packet. She suggested a list of items for the Council to discuss under Other Business: the agenda for the joint intergovernmental meeting; the meeting after CAST with Steamboat and Durango; and start times for meetings once Alpenglow was underway.

Janna Hansen

- Circulated the sign-up sheet for the Town picnic.
- Announced that the Governor would be coming to the I Bar Ranch.
- Softball would start on June 5th.

Schmidt asked about the school's traffic study. He moved the discussion to Other Business. Cowherd questioned the unsafe conditions that existed at the track. He also wondered about a tool being used at the dump clean-up site. Haver asked about the Marshal's Office training at the school.

PUBLIC HEARING

1) Ordinance No. 12, Series 2018 - An Ordinance of the Crested Butte Town Council Amending Chapter 8, Article 5 and Chapter 13, Article 3 of the Town Code Relating to Winter Parking and Refuse Containers.

Schmidt read the title of the ordinance. Due identified the only change to the ordinance was to the term, days of the week, as directed by the Council. He presented an example

of a sign to the Council. There was a short discussion on the new winter parking regulations. Haver was concerned about the change to the rules with refuse containers. He learned Waste Management had concerns with messes caused by animals when trash and recycling were left out overnight, and he was now comfortable with the current ordinance. Schmidt confirmed proper public notice had been given. Dujardin brought up the hours that parking was allowed on Elk Avenue. MacDonald acknowledged the current regulations had been working.

Harvey Castro - 712 ½ Maroon

- Stated that he was in favor of the ordinance.
- He recognized they needed to identify the trashcans that belonged to vacation rental units. As part of short-term rental rules, the unit number should appear on the trashcan.
- Trashcans were being put out early.

Merck suggested that trashcans be allowed out to a later time in the evening. Mitchell suggested 10PM, to match the parking regulations. Merck reiterated that the time frame that trashcans be allowed on the curb should be from 6AM to 10PM.

Mitchell moved and Dujardin seconded a motion with the amendment to change the wording in Section A. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Next, there was a discussion, initiated by a member of the public, concerning the winter parking regulations beginning at 10PM. Due stated they were trying to reduce the number of parking tickets.

Dujardin moved and Merck seconded a motion to approve Ordinance No. 12, Series 2018. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Ordinance No. 13, Series 2018 - An Ordinance of the Crested Butte Town Council Approving the Lease of the Property at 409 Second Street to the Gunnison Valley Regional Housing Authority.

Schmidt read the title of the ordinance. MacDonald stated there were no changes from the last meeting. Schmidt confirmed proper public notice was given. There was no one present who wanted to comment.

Merck moved and Mitchell seconded a motion to pass Ordinance No. 13, Series 2018. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

3) Ordinance No. 14, Series 2018 - An Ordinance of the Crested Butte Town Council Authorizing the Sale of Town-Owned Property Legally Described as Lot 17, Block 79, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado to Carson West and Sasha Chudacoff for the Sale Price of \$45,000.00.

Schmidt read the title of the ordinance, and he confirmed proper public notice had been given. Carson West thanked the Council.

Merck moved and Dujardin seconded a motion to pass Ordinance No. 14, Series 2018. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

NEW BUSINESS

1) 1st Quarter Results and Budget Update.

Zillioux summarized that revenue was ahead of budget, and expenses were below budget. He reported on business categories and specified changes. He reviewed the sewer and water fund, capital fund, and the street and alley fund. He declared that Town had strong reserves. Cowherd asked about savings in snow removal. Zillioux agreed Town saved money on snow.

2) The ARTumn Festival Special Event Application for September 15-16, 2018.

Haver recognized ARTumn was an event that came to Town, didn't include local artists, and then moved on. He questioned if the event was pulling away from the local artists. He didn't believe that it brought tourism to Town, and it seemed the event was taking a weekend that local artists could be at that location. It was a small example for a larger question. He wondered if Town wanted to be a venue. Mitchell understood what Haver was saying. Schmidt identified the Arts Festival brought in artists from out of town. Haver thought it was worth considering down the road. Mitchell suggested they should see if there was a financial benefit and what work the Town contributed to the event. Cowherd understood Haver's concerns. He thought they should keep an eye on it, but he didn't see a problem.

Harry Woods - 127 Luisa Lane

- He agreed with Haver.
- He felt no one knew these people or where they were from. He didn't think the event would bring people to Town.
- The level of the artwork didn't seem to be what was normally offered in Town.

Haver would vote to approve the event this year, but he would vote against it next year. Cowherd would observe the event this year.

Mitchell moved and Merck seconded a motion to approve the ARTumn Festival special event application for September 15 - 16, 2018. A roll call vote was taken with all voting, "Yes," except Schmidt voted, "No." **Motion passed.**

3) Award Public Works Perimeter Fencing Project.

Due explained he transposed numbers in his staff report. He described the area encompassed by the fence and the gates that would access the area.

Haver moved and Mitchell seconded a motion to award a construction contract for the Public Works Perimeter Fencing Project to Kaylor Fencing at a cost of \$81,390.00 not to exceed \$89,500.00, and authorizing the Town Manager to enter into a contract between the Town of Crested Butte and Kaylor Fencing. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

4) Award Contract for the Construction of Four Deed Restricted Duplexes in Blocks 77 and Block 79 to High Mountain Concepts, LLC and Authorizing the Expenditure of \$2,062,500.00 from General Fund Reserves.

Yerman reviewed the agenda item and explained that it related to the four duplexes that would be built this year. He explained costs that made up the budget. Schmidt confirmed one duplex would be sold to the school district. Yerman stated there would be four units offered for sale.

Merck moved and Haver seconded a motion to approve the budget amendment for the expenditure of \$2,062,500.00 for the construction of 4 duplexes with \$520,000 from the Affordable Housing Fund and the balance from General Fund Reserve. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Merck moved and Mitchell seconded a motion to approve the construction agreement with High Mountain Concepts LLC. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

5) Ordinance No. 15, Series 2018 - An Ordinance of the Crested Butte Town Council Authorizing the Release of Land Use Conditions and Restrictive Covenants.

Yerman explained the situation that caused the need to release and the need for a new restrictive covenant. Schmidt confirmed BOZAR approved the request.

Mitchell moved and Merck seconded a motion to set Ordinance No. 15, Series 2018 for public hearing at the June 4th meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

6) Discussion on Retail Truck for Merchandise Vending and Possible Changes for Food Truck Vending.

Stanford summarized Wright's request for the Council and what was currently allowed in the Code for merchandise vending. She reviewed what other ski towns allowed. None contemplated retail trucks. Aspen was the only other town that allowed food truck vending. Merck cited an email from a citizen in opposition. Yerman elaborated that trucks should not be permitted in a required parking space; most businesses on Elk Avenue did not have adequate parking. Dujardin recalled areas for vending they contemplated at the last meeting. Cowherd recognized it was important that they were not on Elk Avenue. MacDonald said the area for farmers market vending was public property that could be considered.

Schmidt was not inclined to allow a merchandise truck. He confirmed with the Council that four of them were in favor of allowing a retail truck. He acknowledged the Council would be expanding the definition of merchandise vending to add a truck. He thought it was a good idea to make sure the sidewalks were unimpeded. Schmidt asked the Council if they wanted to allow a retail truck on public property. Mitchell was comfortable with the 4 Way. The questions identified by Haver were: 1) How many carts or trucks would be allowed? 2) Would they stay on private property? and 3) Would they be allowed on public property and where? Wright asked the Council to consider the area around Big Mine. Hansen said that special events used parking at Big Mine. She asked if the Council wanted to allow vending to happen in parking spaces at all. Mitchell thought it was okay at Big Mine, except during special events. Dujardin was okay with the Big Mine area, and so was Merck. MacDonald added that vending would not work at Big Mine during the winter.

Schmidt reviewed the direction from Council. They would consider allowing a truck, by adding it to the definition of merchandise cart and booth. They wanted to allow only two merchandise carts, booths, or trucks. They would consider expanding into private property, or vending could take place in the designated zone at the 4 Way and at Big Mine, other than during special events, and only during the calendar dates from Memorial weekend to the end of September. The size limit would be the same as it is for food trucks.

A request for variations from the Code regarding food trucks, requested by Fletcher Haver, was discussed. It had been suggested that food trucks be allowed to serve from construction sites, excluding on Elk Avenue. Schmidt didn't have a problem with a food truck at construction sites. Yerman suggested a time limit of 45 minutes to an hour for staying at one location. Schmidt polled the Council and asked if there were four people who wanted to make the food truck regulations more liberal. Chris Haver wanted to see a business plan to respond to, rather than changing now. Cowherd agreed. Schmidt agreed he was fine leaving it the way it was. The Council agreed they would not change food truck regulations at this time.

7) Appointments to Colorado Communities for Climate Action.

Schmidt and Dujardin volunteered to serve on the Steering Committee. Mitchell volunteered to be on the Policy Committee.

Merck moved and Mitchell seconded a motion to appoint Will, Jim, and Laura to participate on Colorado Communities for Climate Action. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

LEGAL MATTERS

Sullivan explained they were awaiting a reply to counterclaim from The Heights homeowners. When asked by Schmidt, he did not advise the Council to have

conversations with the plaintiffs in the lawsuit. They already discussed early mediation in the case.

COUNCIL REPORTS AND COMMITTEE UPDATES

Will Dujardin

- He would be going to Lake City, and he would attend the Energy Action Plan update tomorrow.

Chris Haver

- Attended STOR Committee meeting. Western State would be offering an Outdoor Industry MBA. They discussed a pilot program, for a starting point, in the Slate Valley and Peanut Lake area. The STOR Committee would be working with the Forest Service to come up with a long-term plan. They discussed informational signs and information online about camping. RMBL presented on their campus expansion.
- Attended Chamber meeting. There was an audit coming up. The Oh Be Joyful race was still on. The economic forecast would consist of videos and a write up, and then there would be an event in October.

Paul Merck

- Attended Center for the Arts meeting. They talked about fund raising efforts. They elected a new president. They were open to what it cost to put on an event, and they were looking at events to attract locals.
- Went to a conference in Breckenridge. They talked about sustainable tourism. There were more people, in general, that were visiting.
- The state track meet was a good event. The kids did well.

Laura Mitchell

- Attended Scenic Byways meeting in Delta. There is a Scenic Byways display at DIA. They were grinding through housekeeping.
- Mountain Express was dealing with the shop they were trying to build. What was reflected in the new drawings wouldn't fit in the designated area. The flower bus would come online soon. She helped with Town clean-up, and the turn-out was good.

Jim Schmidt

- He attended a Cemetery Committee meeting. They planned the Memorial Day service and lined up the budget to fix up gravestones.
- There was a housing meeting on the 9th. There would be a presentation to the Council on the ballot initiative.
- Anthracite Place was full. There was a waiting list.
- He and MacDonald sat down with Chamber Director, Ashley Upchurch. He would be doing the video for the economic forecast.
- He went to talk to the people from the ICElab as a follow up.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Schmidt brought up the school and their traffic study. He asked if the Council agreed to contribute \$10K for an enhanced traffic study. MacDonald explained there were budgeted funds, meant to design the roundabout and turn lane off the highway, which could be used to cooperate with the school. The Council agreed.

Next, Schmidt brought up topics to be discussed at the joint intergovernmental meeting. Schmidt suggested MacDonald propose the ideas to the other entities. Dujardin asked about affordable housing. MacDonald recognized they could discuss the ballot measure. Dujardin wanted to see commissioners attend QQ meetings.

Schmidt mentioned Alpenglow and affirmed he supported pushing meetings to 7PM. Dujardin agreed with Schmidt. The Council decided to start meetings at 7PM in the summer for Alpenglow.

Schmidt would attend the CAST meeting and the joint meeting with Steamboat Springs and Durango. MacDonald explained how the joint meeting came to be. It was an informal opportunity for the communities to get together. MacDonald reminded the CAST meeting in August would be in Mt. Crested Butte.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, June 4, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, June 18, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, July 2, 2018 - 6:00PM Work Session - 7:00PM Regular Council

Schmidt confirmed Alpenglow would start on June 18th, and the meetings would begin at 7PM.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 9:27PM.


James A. Schmidt, Mayor


Lynelle Stanford, Town Clerk

(SEAL)

